

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 3, Rio Cebolla

Subfile No. CHCB-005-0004

**MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its Order to Show Cause in Subfile CHCB-005-0004 in connection with defendants Mario R. Martinez and Sophia D. Martinez and as grounds therefore plaintiff states:

1. Defendants Mario R. Martinez and Sophia D. Martinez were ordered to attend a pretrial conference in Tierra Amarilla on May 1, 2008 (see Docket No. 9181). Mario R. Martinez attended the conference and agreed to cooperate with the State to allow an inspection of his property. Subsequently, the hydrographic survey staff of the Office of State Engineer arranged a time with Mr. Martinez to make a field inspection of the property. Mr. Martinez failed to meet the field staff in Cebolla as agreed for the scheduled inspection, or to call or otherwise inform the field staff that he was unable to keep the appointment.

2. After a review of aerial photos of the area in question and other documentation, the mapping of the irrigated acreage under this subfile has been revised to include an additional 2.5 acres of land under the Atencio North Ditch. The No Right acreage under the Trujillo Lopez Ditch (22.9

acres) and the irrigated acreage under the Emiliana Maes South Ditch (6.2 acres) is unchanged.

3. Defendants Mario R. Martinez and Sophia D. Martinez should be ordered to show cause why the Court should not adjudicate their water rights under Subfile CHCB-005-0004 as described in paragraph 2 above, and as more completely described in the attached proposed Order to Show Cause.

4. A copy of the State's proposed Order to Show Cause to be served by the State on defendants by certified mail, return receipt requested, is attached hereto as Exhibit 2.

WHEREFORE the plaintiff State of New Mexico requests the Court to order defendants Mario R. Martinez and Sophia D. Martinez to show cause why the Court should not adjudicate their water rights under Subfile CHCB-005-0004 as described in paragraph 2 above, and as more completely described in the attached proposed Order to Show Cause.

Respectfully submitted,

/s/ Ed Newville

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd day of July, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Mario R. Martinez  
Sophia D. Martinez  
P.O. Box 217  
Tierra Amarilla, NM 87575